

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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3 5 2 CAPITAL GP LLC, on behalf of 3 5 2	:	
CAPITAL ABS MASTER FUND LP,	:	
	:	
Plaintiff,	:	
	:	24-CV-5102 (VEC)
-against-	:	
	:	<u>ORDER</u>
RYAN WEAR, TYLER SADEK, JORDAN	:	
CHIRICO, WATER STATION MANAGEMENT	:	
LLC, REFRESHING USA, LLC, CREATIVE	:	
TECHNOLOGIES, LLC, C3 CAPITAL, INC.,	:	
REVL CAPITAL MANAGEMENT LLC, REVL	:	
SECURITIES LLC, CREATIVE	:	
TECHNOLOGIES FLORIDA, LLC,	:	
WATERSTATION TECHNOLOGY II LLC,	:	
WATERSTATION FINANCE COMPANY, LLC,	:	
WATERSTATION TECHVENTURE LLC, WST	:	
FRANCHISE SYSTEMS LLC, WST AZ	:	
PROPERTIES, LLC, WSM CAPITAL FUNDING,	:	
INC., WS SPV 1, LLC, REFRESHING	:	
ARIZONA, LLC REFRESHING CALIFORNIA	:	
L.L.C., REFRESHING CAROLINAS LLC,	:	
REFRESHING COLORADO LLC,	:	
REFRESHING FLORIDA LLC, REFRESHING	:	
GEORGIA LLC, REFRESHING GREAT LAKES,	:	
LLC, REFRESHING GREAT PLAINS LLC,	:	
REFRESHING KENTUCKY LLC,	:	
REFRESHING LAS VEGAS, LLC,	:	
REFRESHING MID-ATLANTIC LLC,	:	
REFRESHING MIDWEST LLC, REFRESHING	:	
MIDWEST REAL ESTATE LLC, REFRESHING	:	
MONTANA, LLC, REFRESHING NEW	:	
ENGLAND, LLC, REFRESHING NEW MEXICO	:	
LLC, REFRESHING OHIO LLC, REFRESHING	:	
TEXAS, LLC, REFRESHING UTAH, LLC,	:	
REFRESHING USA MERGER SUB LLC,	:	
REFRESHING WASHINGTON LLC, VENDPRO	:	
LLC, BEVTECK TECHNOLOGIES LLC,	:	
SUMMIT MANAGEMENT SERVICES LLC,	:	
IDEAL PROPERTY INVESTMENTS LLC,	:	
IDEAL INDUSTRIAL PARK LLC, IDEAL AZ	:	
PROPERTY INVESTMENTS, LLC, 2129,	:	
ANDREA LANE, LLC, 3209 VAN BUREN LLC,	:	

ICE & WATER VENDORS LLC, K-2 :
ACQUISITION, LLC, K-2 MFG LLC, SMOKEY :
POINT HOLDINGS LLC, PISTOL INC., EMERY :
DEVELOPMENT LLC, ARIZONA WATER :
VENDORS INCORPORATED, 1118 VIRGINIA :
STREET LLC, 11519 SOUTH PETROPARK :
LLC, TCR PLUMBING LLC, FLAGSTAFF :
PLUMBING, LLC, 70 NORTH GARDEN :
AVENUE LLC, 701 EDEN LLC, AURORA :
BUILDING PRODUCTS LLC, 3422 W :
CLARENDON AVE LLC, 1206 HEWITT AVE :
LLC, GOLDEN STATE VENTURES, LLC, :
GOLDEN STATE VENDING, LLC, VALLEY :
VENDING, LLC, DRINK UP VENTURE LLC, :
and JOHN DOES 1-1000, :
: Defendants. :
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VALERIE CAPRONI, United States District Judge:

WHEREAS on October 21, 2024, the Clerk of the Court issued a Certificate of Default, and Plaintiff filed a Proposed Order to Show Cause and Proposed Default Judgment, as to several Defendants in this matter, including Ryan Wear (Dkts. 77, 79–80);

WHEREAS on October 23, 2024, Mr. Wear filed an answer to the Complaint, in which he represented that he intends to proceed pro se on his own behalf and “on behalf of entities owned by Ryan Wear as allowed by this Court” (Dkt. 86); and

WHEREAS a corporation cannot proceed pro se in federal court; it can only appear in federal court if it is represented by an attorney. *Iannaccone v. Law*, 142 F.3d 553, 558 (2d Cir. 1998); *see Rowland v. Ca. Men’s Colony, Unit II Advisory Council*, 506 U.S. 194, 201–02 (1993).

IT IS HEREBY ORDERED that, to the extent Mr. Wear wishes to represent himself in this matter, he must file a Notice of Appearance on the public docket not later than **Monday, November 4, 2024**. If such Notice is filed, Mr. Wear will no longer be in default and the

litigation against him will proceed in the manner set forth by the Civil Case Management Plan and Scheduling Order (Dkt. 46). A form Notice of Appearance for pro se litigants is available on the Court's website at <https://www.nysd.uscourts.gov/node/829>. Mr. Wear is strongly encouraged to review the resources available for pro se litigants in this District, including the Federal Pro Se Legal Assistance Project run by the City Bar Justice Center. An overview of these resources is available on the Court's website at <https://www.nysd.uscourts.gov/prose>.

IT IS FURTHER ORDERED that Mr. Wear's request to represent "entities owned by Ryan Wear" is DENIED. Mr. Wear's appearance in this case will not render any Defendant other than Mr. Wear out of default.

The Clerk of the Court is respectfully directed to mail a copy of this order to Mr. Wear at 2732 Grand Avenue Suite 122, Everett, WA 98201.

SO ORDERED.

Date: October 28, 2024
New York, New York

Valerie Caproni

VALERIE CAPRONI
United States District Judge